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Examiner Phan

To: Examiner Than S. Phan

From: Darin Williams

RE Application # 10/004,964

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Examiner Phan,

Thank you for offering to help me by phone this Tue. As discussed, I will call you at 10:30 your time, 7:30 Tucson time (this month Tucson is with California, it slides East later). If that time proves inconvenient for you I would be pleased to reschedule.

I hope the attached notes will help use your time more efficiently, so you can identify in advance anywhere that I'm not quite getting your point. If not, please disregard them.

I've tried to explain a bit more what was meant, particularly by the specific terms cited in the office actions and my previous reply. These notes pretty much abandon attempts at the proper legalese, and just strive for clarity. Please pardon any consequent informality. Any suggestions to better capture the patentable content that you cited in our last conversation would be greatly appreciated.

The first claim is intended to be pretty broad, covering any two-part timing mechanism comprising:
a) a "base station" with means for the user to identify and change the timer setting, such as a time display and setting buttons, and with means to communicate this setting to a "timing element" as below and
b) a "timing element" which can autonomously implement these settings without further aid from or connection to the base station, initiating some desired action at the specified time.

In principle the base-station could be nothing more than detachable user interface, with the bulk of the function in the timing element. As detailed in the specification, the time could be either absolute, such as day, or relative, such as time from now.

In the specific case of claims 4 and 5, and in the embodiment detailed in the specification, the "timing element" is an alarm ear-piece a la Sikes, with the exception that the ear piece described here will carry out it's function once set even if the base station loses power or otherwise fails (a capability not anticipated by Skies). The specification details a list of other benefits from this approach including ability for a single base station to support countless timing elements. "Separate setting device" and "earpiece which is autonomous once set" as in the first OA response were intended as implicitly clear references to specific embodiments of the base station and timing element respectively in claim 1. More explanation was clearly required.

The wording submitted for claim 1 does not provide a general term for the "timing element" to reference in subsequent claims, nor does the specification use a single specific term for the more general case. Have I understood correctly that this is also part of the difficulty? The antecedent basis mentioned in claims 3 for the timing function was intended to be the "timing element" as above, likewise for the "autonomous part" in claim 4. Does this address your point? If so, I believe I understand how to clarify the wording.

As surprising as it seems, I have found no prior art for this broad class of timing devices (you, of course, have far wider experience to draw from, and I would appreciate any input offered). I suspect there is a technological reason for this, in that only recently have displays and buttons become very large compared to the processing and timing elements. Previous approaches fit the restrictions of older technology, which have since been overcome. As with railway gages, outdated restrictions do tend to persist in people's thinking.

Claims 3,4, and 5 were intended to further restrict claim 1 to devices used as alarms, to alarms sitting near the ear, and to alarms sitting in the ear respectively.

Claim 2 is intended to highlight a different specific feature, resetting the time reference when the timing element is set or is disconnected from the base station. The word "must" in the claim was the result of an apparently ill-advised effort to avoid using negative wording. I was trying to say that resetting the time reference in the "timing element" at the time that it is separated from the base station *precludes the need*

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for the timing element to maintain consistent timing across multiple settings. Specifically: it's a big deal if a clock loses a few seconds a day. It's off enough to matter in a few months and having to reset it is a nuisance. However, if you set the alarm to go off tomorrow and it goes off a few seconds later than it should, that doesn't matter if the errors don't accumulate. This flexibility allows the use of cheaper / simpler components in the "timing element". The specification attempts to detail this. I don't think replacing the word must with "is" as suggested gets there. What is an acceptable wording for this point?

Claims 6 and 7 are intended to further restrict claim 2 to devices where the time setting identifies an alarm time, and in use as alarm clocks respectively.

Clime 6 incorrectly references the device in claim 5. I introduced this type while repairing the formatting errors in the initial submission. It should have referenced claim 2.

Hope that helps. Thank you again for your offered help. I hope we can find a way to move this forward with minimal drain on your time. I look forward to speaking with you.

Darin Williams

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08/09/2004